

Congress of the United States
Washington, DC 20515

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20554-0004

Re: ***Status of Joint Petition of Anthem, Inc., Blue Cross Blue Shield Association, WellCare Health Plans, Inc., and the American Association of Healthcare Administrative Management for Expedited Declaratory Ruling and/or Clarification of the 2015 TCPA Omnibus Declaratory Ruling and Order, CG Docket No. 02-278.***

Dear Chairman Pai:

We are writing to you again regarding our support for clarifications to the Federal Communications Commission's (the "FCC" or "Commission") 2015 Telephone Consumer Protection Act ("TCPA") Omnibus Declaratory Ruling and Order (the "2015 Order"), which addresses, among other topics, the TCPA's treatment of health care-related outreach to consumers. We urge your attention and quick response to our renewed request.

We continue to encourage the FCC to act swiftly and with the best interest of the nation's citizens in mind to harmonize the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") with the TCPA. Non-telemarketing health care-related communications can improve health care outcomes and overall well-being by reaching underserved populations, promoting consistent treatment adherence, and preventing lapses in insurance coverage. Importantly, failure to provide these types of communications puts stakeholders in direct non-compliance with the obligations for new member outreach, appointment reminders and other medical communications mandated in Medicaid managed care contracts by the Center for Medicare and Medicaid Services (CMS).

On July 28, 2016, a diverse array of stakeholders in the healthcare industry – WellCare Health Plans, Anthem, Inc., Blue Cross Blue Shield Association, and the American Association of Healthcare Administrative Management (collectively, the "Petitioners") – petitioned the FCC for clarification to reconcile the regulation of a consumer's telephone number under the TCPA with the regulation of the same under HIPAA. Specifically, they asked the FCC to confirm that the provision of a telephone number to a "covered entity" or "business associate," governed by HIPAA and already regulated by the U.S. Department of Health and Human Services, constitutes "prior express consent" under the TCPA. In addition, the Petitioners are seeking clarification that the term "healthcare provider," as that term is used in the 2015 Order, includes all HIPAA "covered entities" and "business associates" as those terms are defined within HIPAA. As the Petitioners explain, clarification is necessary to harmonize the TCPA, HIPAA, and prior Commission rulings to protect patient health care communications.

The House Energy and Commerce Committee held a bipartisan hearing on this issue on September 22, 2016 that highlighted these TCPA challenges and illustrated the important role modern technologies play in improving individuals' health and wellness, as well as the reduced cost to consumers and the healthcare system overall.

We share the FCC's goal of reducing the overall number of unwarranted and harassing phone calls as well as protecting the privacy of consumers across the nation. Time is of the essence, and we encourage the FCC to resolve this issue in any TCPA ruling that the Commission releases.

Thank you for considering this important request.

Sincerely yours,



GUS M. BILIRAKIS
Member of Congress



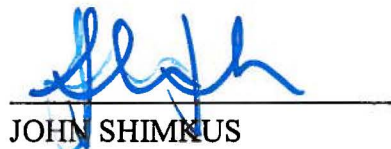
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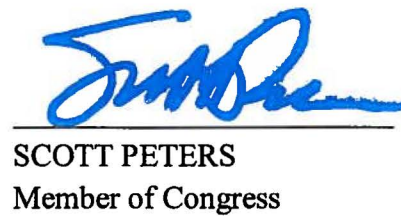
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